REMARKS

As set forth in the affidavit filed in the April 19th response, "should optical disks be removable, such disks will always be subject to contamination by dust and other surface imperfections such as scratches." Because of this contamination, removable optical disks have always been made as "second-surface" optical disks.

Applicant respectfully submits that claim 16 is allowable over the Nakatsuji reference (USP 6,332,206). Indeed, the only optical disk discussed in the Nakatsuji reference is a DVD-ROM, a well-known second-surface disk. See, e.g., Col. 23, line 29. In the present application, however, what Applicant is claiming is a removable first-surface disk having an ECC block specialized for the particular circumstances encountered in a first-surface environment. Nakatsuji is entirely silent regarding such a novel creation. Accordingly, claim 16 is patentable over this reference.

The Finkelstein reference (USP 5,392,262) adds nothing further in that the magnetooptical (MO) disk it discloses is a conventional second-surface disk. In general, all MO disks will have a thin protective film over its information layer(s) because they must be protected from oxidation: MO recording layers typically include iron in their formulation (see Col. 7, line 57, which states the MO layer comprises TbFeCo) and would "rust" without the protective layer. But note how Finkelstein reads its MO disk as shown in Figure 2. For example, laser beam 47 passes through the MO disk to read the MO recording layer on the opposite side of the disk. Thus, laser beam 47 passes through the relatively thick substrate 150, which Finkelstein teaches in Col. 7, lines 66-68 should not be less than 1 millimeter, for example, 1.2 millimeter. Thus, as set forth in the April 19th Rule 132 affidavit of Dave Davies, such a thickness would defocus dust particles that would lie on the surface of the MO disk facing the laser source – see, e.g., the discussion by Dave Davies regarding the '757 patent that used a thickness of 1.2 mm to defocus dust particles and other imperfections. The same defocusing effect exists for laser beam 137 in Finkelstein's Figure 2. Thus, Finkelstein does not disclose the use of a removable first surface disk. Instead, Finkelstein discloses the well-known use of a second-surface disk to enable its removability. Because Finkelstein discloses a second-surface disk, it provides no motivation to provide the first-surface disk with the robust ECC as claimed. Second-surface disks need no such robustness because they

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defocus the error-causing dust particles and surface imperfections. Thus, the pending claims are allowable over the combination of Nakasutji and Finkelstein.

Due to a typographical error, Applicants had previously presented two claims numbered 21. Thus, claims 21 through 24 were cancelled and re-presented as claims 25 through 28.

CONCLUSION

For the above reasons, pending Claims 16 through 20 and 25 through 28 are in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

Certification of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Linda Bolter — July 23, 2004

Linda Bolter — Date of Signature

Respectfully submitted,

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